
TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #14-477(F)

DIGEST

Amends [312 IAC 9-3-10](#) governing commercial deer processors. Amends [312 IAC 9-10-9](#) governing wild animal rehabilitation permits. Amends [312 IAC 9-10-11](#) governing the nuisance wild animal control permit. Amends [312 IAC 9-10-15](#) governing the fish importation permit to remove bowfin and paddlefish from the list of species. Adds [312 IAC 9-10-24](#) to establish a trapper education permit. Effective 30 days after filing with the Publisher.

[312 IAC 9-3-10](#); [312 IAC 9-10-9](#); [312 IAC 9-10-11](#); [312 IAC 9-10-15](#); [312 IAC 9-10-24](#)

SECTION 1. [312 IAC 9-3-10](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-10](#) Commercial processing of deer**Authority:** [IC 14-22-2-6](#)**Affected:** [IC 14-22](#); [IC 15-17](#); [IC 32-30-6-6](#)

Sec. 10. (a) A person who receives deer for processing and charges a fee must maintain accurate daily records of the following:

- (1) The dates deer are received and disposed of.
- (2) The name and address of the owner of the deer.
- (3) The state or province from which the deer was taken.
- (4) The official tag and seal number, certificate of ownership or game breeder license number, or the department's electronic harvest confirmation number.

(b) These records shall be retained by the person or persons responsible for preparation or maintenance for at least eighteen (18) months following that preparation and must register with the department by March 1 of each year.

(c) A law enforcement officer may enter premises used for deer preparation at all reasonable hours to inspect those premises and the daily records required under subsection (a).

(d) A deer processor must properly dispose of carcasses and other parts of deer to ensure that they do not become a public nuisance as defined in [IC 32-30-6-6](#). Proper disposal includes:

- (1) at a disposal plant licensed by the Indiana state board of animal health under [IC 15-17](#);**
- (2) burial upon the owner's premises so that every part of the animal's carcass is at least four (4) feet under the natural surface of the earth;**
- (3) thorough and complete incineration;**
- (4) composting; or**
- (5) other methods approved by the director.**

(Natural Resources Commission; [312 IAC 9-3-10](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Dec 18, 2012, 2:00 p.m.: [20130116-IR-312120115FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Sep 23, 2015, 9:57 a.m.: [20151021-IR-312140477FRA](#))

SECTION 2. [312 IAC 9-10-9](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-10-9](#) Wild animal rehabilitation permit**Authority:** [IC 14-10-2-4](#); [IC 14-22-2-6](#)**Affected:** [IC 4-21.5](#); [IC 14-22](#)

Sec. 9. (a) This section governs a permit to possess a wild animal for rehabilitation. The permit is:

(1) required to temporarily possess any wild animal that is:

- (A) a mammal;
- (B) a bird;
- (C) a reptile; or
- (D) an amphibian;

for rehabilitation purposes; and

(2) available only to an individual who is a resident of Indiana.

(b) An individual may, without a permit, take possession of a sick, injured, or orphaned wild animal and transport it to an individual with a valid permit under this section within twenty-four (24) hours.

(c) An application for a permit under this section shall be completed on a departmental form and must provide the following:

(1) The applicant has one (1) year of experience with one (1) of the following types of facilities that works with the species to be rehabilitated:

- (A) A licensed veterinarian who has a wild animal rehabilitation permit.
- (B) A zoological park.
- (C) A university animal clinic.
- (D) A licensed wild animal rehabilitator who has had a permit for at least three (3) years.

Documentation of the experience with a licensed veterinarian, university animal clinic, zoological park, or licensed wild animal rehabilitator must be submitted with the application.

(2) The name and address of a veterinarian willing to assist the applicant with the rehabilitation of wild animals. The veterinarian shall sign the application and attest to having experience in the care of the species of wild animals to be rehabilitated. If the applicant is a veterinarian, the signature of another veterinarian is not required.

(3) A listing of the wildlife rehabilitation reference books in possession of the applicant. The individual must have at least one (1) reference book that:

- (A) includes information pertaining to each species listed on the application form; and
- (B) is on the list approved by the department.

(4) The names, addresses, and telephone numbers of any other individuals who will assist the applicant.

(5) The species or type of animals that will be accepted for rehabilitation.

(6) A description of the rehabilitation facilities, equipment, and supplies. The description shall include the following:

- (A) Cages.
- (B) Intensive care units.
- (C) Aviaries.
- (D) Medical supplies.
- (E) Other items to be utilized in the rehabilitation process.

A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches.

(7) The applicant is at least eighteen (18) years of age.

(d) Before a permit may be issued, the applicant must correctly answer at least eighty percent (80%) of the questions on a written examination supervised and administered by the department covering basic biology, care of wild animals, and the laws relating to wild animal rehabilitation **as follows:**

(1) An individual who fails to correctly answer at least eighty percent (80%) of the questions on the examination may retake the examination not more than two (2) additional times within ninety (90) days, but not again within one hundred eighty (180) days after the third failure.

(2) Exempted from this subsection is an individual who has had a permit under this section for ten (10) years and taken in at least twelve (12) wild animals each year for rehabilitation. ~~However, all individuals who have a permit under this subsection must meet the requirements in subsection (e).~~

(e) A permit holder ~~who has satisfied subsection (d)~~ must, **within every** three (3) years ~~of~~ **after** being issued a permit, either:

- (1) satisfy the same requirements as are set forth in subsection (d) on another examination; or
- (2) complete eight (8) hours of continuing education as approved by the division, including courses that will be sponsored by the department, National Wildlife Rehabilitator's Association, or International Wildlife Rehabilitation Council.

A permit holder who is exempt under subsection (d)(2) is also exempt from the requirements under this

subsection.

(f) A conservation officer must inspect the cages and any other enclosures where wild animals will be housed before a permit may be issued to a new applicant. A conservation officer may inspect the enclosures, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(g) An amended application or written request must be filed with the division if there is a change to the address of the applicant, the name of the assisting veterinarian, the identity of assistants, or the addition of species of wild animals that was provided in the original application.

(h) The permit holder must file an application by January 31 of each year in order to renew the permit. The annual report required under subsection (m) must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(i) The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(j) Public exhibition or display of any wild animal possessed pursuant to a permit issued under this section is prohibited. Only assistants and other individuals dropping off an animal for rehabilitation at the permit holder's facility may view or have contact with the wild animal unless specifically authorized in writing by the department. Electronic viewing and photographs are allowed.

(k) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition as follows and conform with any other conditions specified by the permit:

(1) Cages must be cleaned daily using nonirritating methods unless medical treatment necessitates otherwise.

(2) The permit holder and any assistants listed on the permit must observe and provide care for wild animals at least once daily unless otherwise specified by the permit.

(3) Wild animals must be kept in enclosures and in an environment that minimizes human contact at all times to prevent imprinting and bonding to humans. The permit holder or designated assistants should interact with the wild animal only to the extent necessary to provide adequate care and treatment.

(4) Wild animals must not be allowed to come into contact with any individuals other than:

(A) a permit holder;

(B) an assistant listed on a rehabilitation permit;

(C) a licensed veterinarian;

(D) an animal control officer;

(E) a law enforcement officer; or

(F) an authorized department employee.

(5) Wild animals must not be housed in a cage that would allow physical contact of the animals undergoing rehabilitation with domestic or companion animals or animals kept under any other license or permit unless authorized in writing by the department.

(6) If suspected of having an infectious disease, wild animals must be quarantined in areas designated for that purpose.

(7) Wild animals must be kept separated from human living quarters and activities unless intensive care is required, but unweaned wild animals may be housed in human living quarters that are away from human activities.

(8) Wild animals must be housed in enclosures that:

(A) are structurally sound;

(B) are of sufficient strength for the species involved;

(C) are maintained in good repair to prevent escape or injury to wild animals being rehabilitated;

(D) are constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility;

(E) are secured when unattended;

(F) have protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the animal's health;

(G) have ambient temperatures that are appropriate for the species located within the enclosure;

(H) have adequate ventilation by means of:

(i) windows;

- (ii) doors;
- (iii) vents;
- (iv) fans; or
- (v) air conditioning;

to protect wild animal health and to minimize drafts, odors, and condensation;

(I) maintain adequate lighting by artificial or natural means that is cycled for appropriate photoperiod, if necessary for the species in possession; **and**

(J) provide adequate shade, weatherproof shelters, nest boxes, perches, and dens to protect wild animals from inclement weather and direct sun if kept outdoors.

(9) No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, or poisonous vegetation may be used in the construction of enclosures.

(10) Enclosures shall have either visual barriers or be separated by distance to restrict a wild animal's view of humans and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation, or stress, unless a view of humans and other wild animals will not affect the animal's ability to survive in the wild.

(11) Wild animals must be fed as follows:

(A) Appropriately and adequately to meet nutritional needs unless medical treatment necessitates restricted food intake.

(B) With food that is palatable, free of contamination, and of sufficient quantity and nutritive value for the species involved, including the use of supplemental vitamins and minerals when necessary for recovery.

(C) With food receptacles that are appropriately sized, easily accessible, and kept sanitary and safe.

(12) Wild animals must be given water as follows:

(A) Fresh clean water for drinking shall be provided throughout the day unless medical treatment necessitates restricted water intake.

(B) Additional water shall be provided for species requiring bathing, swimming, or misting unless medical treatment necessitates restricted water exposure.

(C) With water receptacles that are appropriately sized, easily accessible, kept sanitary as much as possible, and safe.

(13) Removal and disposal of wild animal food wastes, feces and urine, **and** bedding from the enclosure and premises shall be performed daily to maintain sanitary conditions and protect wild animal and human health. Trash, garbage, debris, and carcasses must be removed from the enclosure as soon as they are observed and appropriately disposed of.

(14) Cages, rooms, hard surfaced pens, kennels, runs, equipment, and food and water receptacles shall be sanitized between each adult wild animal use and between litters to prevent disease transmission.

(I) A permit holder must maintain current records for each wild animal to include the following:

(1) The species and condition of the animal.

(2) The name, address, and telephone number of the donor or other source of the animal.

(3) The date of receipt by the permit holder.

(4) The treatment provided to the animal while in captivity, including the identification of and date of administration of any pharmaceutical product or other chemical to a mammal or reptile.

(5) The method and date of disposition of the wild animal.

All records must be maintained at the facility of the permit holder for a minimum of three (3) years.

(m) The permit holder shall provide a signed annual report to the division by January 31 of each year. The report shall list the following:

(1) The species and condition of each animal.

(2) The date the animal was received.

(3) The name and county of the donor or other source.

(4) The method, location, and date of disposition of the animal.

The report may be a computerized record signed by the permit holder under oath or affirmation to be a true and accurate account of all wild animals taken in for rehabilitation during that year or on a form provided by the department and must be maintained at the facility of the permit holder for a minimum of three (3) years.

(n) As soon as a wild animal is capable of fending for itself, the animal must be released into the wild as follows:

(1) The wild animal must be released on land only with permission of the landowner.

(2) Mammals must be tagged or marked as directed by the department if given a pharmaceutical product or other chemical for the purpose of tranquilizing or anesthetizing the mammal unless the product administered is labeled as safe for human consumption and the mammal is released after the clearance period.

(3) A bird must be released in the county from which it was originally found except:

- (A) a bird that is being released outside the breeding season for that species;
- (B) a bird that has been in a rehabilitation facility for ninety (90) calendar days or more;
- (C) a bird that is not in the order Anseriformes, Charadriiformes, Columbiformes, Falconiformes, Galliformes, Gruiformes, or Strigiformes; or
- (D) a bird that is a juvenile;

may be released in an appropriate habitat in any county that is within that species' normal range in Indiana.

(4) A reptile or amphibian must be released at the site where found, unless the origin is unknown. If the origin is unknown, the reptile or amphibian may be released in an appropriate habitat in the permit holder's county of residence.

(5) For mammals, the following apply:

(A) A mammal must be released in the county from which it was originally found or obtained, unless the origin is unknown or the mammal is a juvenile.

(B) If the mammal's origin is unknown, the mammal may be released in an appropriate habitat in the permit holder's county of residence.

(C) If the mammal is a juvenile and was housed together with other animals of the same species, the group may be released in appropriate habitat in a county where at least one (1) member of the group originated.

(D) In addition to the requirements in subdivisions (1) and (2) and clauses (A) through (C), raccoons, Virginia opossums, striped skunks, coyotes, and foxes must be released only as follows or be euthanized:

(i) The release site must consist of at least two (2) contiguous acres.

(ii) Not more than eight (8) animals per species may be released per two (2) acres of any site per calendar year.

~~(iii) Not more than:~~

~~(AA) twenty-four (24) each of raccoons, Virginia opossums, striped skunks, and foxes; and~~

~~(BB) two (2) coyotes;~~

~~may be released by a permit holder in a calendar year.~~

(E) In addition to the requirements in subdivisions (1) and (2) and clauses (A) through (C), white-tailed deer must be released only as follows or be euthanized:

(i) The release site must consist of at least five (5) contiguous acres.

(ii) The release site must be outside city limits.

(iii) Not more than ten (10) white-tailed deer may be released per site per calendar year.

(o) A permit holder may keep a nonreleasable wild animal, other than a white-tailed deer, only if approved by the division of fish and wildlife as follows:

(1) For educational purposes under a special purpose educational permit under section 9.5 of this rule as follows:

(A) For mammals other than white-tailed deer, as follows:

(i) A wild animal possession permit must be obtained under [312 IAC 9-11](#).

(ii) Not more than three (3) mammals per species and six (6) mammals total may be possessed if twelve (12) or fewer total mammal programs are presented to the public each calendar year.

(iii) Not more than five (5) mammals per species and not more than twenty (20) mammals total may be possessed if thirteen (13) or more total mammal programs are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(B) For birds, as follows:

(i) A special purpose educational permit must be obtained under section 9.5 of this rule.

(ii) Not more than three (3) birds per species may be possessed and six (6) birds total if twelve (12) or fewer programs with each bird are presented to the public each calendar year.

(iii) Not more than five (5) birds per species may be possessed and not more than twenty (20) birds total if thirteen (13) or more bird programs with each bird are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(C) For reptiles, as follows:

(i) A turtle possession permit must be obtained under [312 IAC 9-5-11](#) to possess an eastern box turtle, and a wild animal possession permit must be obtained under [312 IAC 9-11](#) to possess an endangered species of reptile.

(ii) Not more than three (3) reptiles per species and six (6) reptiles total may be possessed if twelve (12) or fewer total reptile programs are presented to the public each calendar year.

(iii) Not more than four (4) reptiles per species and not more than twenty (20) reptiles total may be possessed if thirteen (13) or more total reptile programs are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on

the number of educational programs presented to the public in the previous year.

(2) For fostering other wild animals only if five (5) mammals or birds of the same species have been reported in at least the two (2) previous years.

(3) Wild animals that have been used in educational programs or as foster parents and are no longer capable of being used in that capacity due to age or health may be kept with written permission from the division of fish and wildlife.

(4) Wild animals possessed lawfully prior to July 1, 2010, are exempt from the requirements in this subsection.

(5) Nonreleasable wild animals may be transferred: ~~to another individual licensed~~

(A) to an individual with a permit under this subsection or section;

(B) to an individual with a special purpose educational permit under section 9.5 of this rule;

(C) if the wild animal is a raptor, to an individual with a falconry license under section 43 13.1 of this rule that has had a permit for at least three (3) consecutive years;

(D) if a migratory bird, to an individual with a permit or authorization from the United States Fish and Wildlife Service to possess the bird; or

(E) to a zoo accredited by the Association of Zoos and Aquariums and licensed or registered with the United States Department of Agriculture;

~~and will use the animal for use in~~ fostering or educational programs in accordance with this subsection.

(6) A determination that a wild animal is nonreleasable must be based upon a licensed veterinarian's examination and statement.

(7) As used in this subsection, "nonreleasable" means a wild animal that:

(A) cannot obtain food on its own in the wild;

(B) does not exhibit locomotive skills necessary for that species to survive;

(C) does not possess adequate vision to find or catch, or both, food and maneuver in a normal manner; or

(D) cannot otherwise fend for itself without medical care due to disease or extensive injuries.

(p) An individual who does not hold a permit under this section but is listed as an assistant on a permit issued under this section may assist a permit holder, but only if the permit holder supervises the individual as follows:

(1) An assistant must be at least sixteen (16) years of age to provide assistance at the permit holder's facility.

(2) An assistant under eighteen (18) years of age must be under the direct and on-site supervision of the permit holder.

(3) An assistant of eighteen (18) years of age or older may provide assistance at the permit holder's facility or as follows:

(A) With written authorization, an assistant listed on the permit may possess a wild animal under this section at a location not authorized on the permit for not more than thirty (30) consecutive days unless authorized by the department.

(B) The permit holder maintains responsibility for the care of the wild animal.

(C) The permit holder provides supervision with written instructions and is available for phone contact with the assistant at all times.

(D) The facilities of the assistant meet the same facility standards as the permit holder.

(E) The wild animal possessed by an assistant is returned to the permit holder at the time of weaning or release, whichever comes first.

(q) A permit holder may possess a wild animal for rehabilitation under this section for one hundred eighty (180) days except as follows:

(1) Exceptions may be approved by the department, but additional time will not be authorized for the sole purpose of releasing the wild animal outside the hunting season for that species.

(2) Migratory birds may only be possessed in accordance with the permit holder's federal migratory bird permit.

(3) Turtles with shell fractures may be possessed for up to two (2) years if housed separately from all other turtles.

(r) All white-tailed deer that are taken in for rehabilitation and determined to be nonreleasable must be euthanized. ~~Not more than twenty (20) white-tailed deer may be taken in for rehabilitation by a permit holder in one (1) calendar year.~~

(s) A mammal, nonmigratory bird, reptile, or amphibian taken in for rehabilitation that is:

(1) diseased;

(2) severely injured, unless determined by a licensed veterinarian to be treatable and released within one hundred eighty (180) days from the date obtained by the licensed rehabilitator; or

(3) a turtle with a shell fracture unless determined by a licensed veterinarian to be treatable and released within two (2) years; must be euthanized.

(t) Euthanasia must be carried out with the:

- (1) safest;
- (2) quickest; and
- (3) most painless;

available method as recommended and approved by the division of fish and wildlife.

(u) Carcasses of wild animals that are euthanized or otherwise die while in the care of a permit holder must be:

- (1) buried;
- (2) incinerated on private property with prior permission of the landowner;
- (3) given to a veterinarian or landfill for proper disposal;
- (4) put in the trash if double-bagged;
- (5) if euthanized with chemicals, disposed of only according to the chemical label;
- (6) kept for educational purposes only if the permit holder also has a special purpose salvage permit issued under section 13.5 of this rule;
- (7) donated to a properly licensed university or other educational or scientific institution that has a special purpose salvage permit issued under section 13.5 of this rule; or
- (8) donated to a person with a permit from the United States Fish and Wildlife Service for Native American religious purposes.

(v) A permit holder must not:

- (1) commercially advertise rehabilitation services or solicit for rehabilitation a wild animal that is subject to this section;
- (2) have a wild animal spayed or neutered or in any way have ~~their~~ **its** reproductive function altered; or
- (3) mark or tag the wild animals in any way, such as with a collar or ear tag, except as required in subsection (n)(2) or in writing from the department.

(w) A permit holder must notify the department within twenty-four (24) hours of acquiring an endangered species or a bald or golden eagle, whether live or dead, and the location and date of acquisition.

(x) A permit holder must notify the department within twenty-four (24) hours if the permit holder has reason to believe that a wild animal has been subjected to criminal activity.

(y) Wild animals, including their carcasses and parts, possessed under this section must not be sold, bartered, or transferred to another individual or to a permit holder's game breeder license except:

- (1) **for carcasses and parts**, as authorized in subsection (u); ~~or~~
- (2) **for a live wild animal that is in need of continued rehabilitation, the wild animal** may be transferred to another individual:
 - (A) with a permit under this section; **or**
 - (B) **if a raptor, to an individual with a falconry license under section 13.1 of this rule; or**
 - (3) **for nonreleasable wild animals, as authorized in subsection (o).**

(z) A copy of the permit issued under this section must be possessed by the permit holder when transporting a wild animal possessed under this section to another location and be available and on-site when possessing and caring for wild animals authorized under this section.

(aa) A permit may be suspended, denied, or revoked under [IC 4-21.5](#) if the permit holder fails to comply with any of the following:

- (1) A permit issued under this section.
- (2) This article or [IC 14-22](#).

(Natural Resources Commission; [312 IAC 9-10-9](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Feb 9, 2011, 10:30 a.m.: [20110309-IR-312100418FRA](#); readopted filed

SECTION 3. [312 IAC 9-10-11](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-10-11](#) Nuisance wild animal control permit

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:

- (1) causing damage or threatening to cause damage to property; or
- (2) posing a health or safety threat to persons or domestic animals.

The method and dates of control and disposition of the animal shall be set forth in the permit.

(b) A live wild animal taken under this section shall not be:

- (1) possessed for more than forty-eight (48) hours; and
- (2) sold;
- (3) traded;
- (4) bartered; or
- (5) gifted.

(c) A property owner or lessee may obtain a permit under this section for the control of a nuisance wild animal.

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

(1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.

(2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit **and every four (4) years thereafter**, either:

(A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or

(B) complete ~~thirty-two (32)~~ **sixteen (16)** hours of continuing education as approved by the division.

(3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

(e) An application for a nuisance wild animal control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(f) An individual who does not hold a permit under ~~this section~~ **subsection (d)** may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

(g) A captive animal must be properly handled in an expeditious manner to prevent unnecessary physical injury.

(h) The following methods may be used to take a wild animal under this section:

(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except as follows:

(A) A foothold trap that possesses saw-toothed or spiked jaws.

(B) A foothold trap that:

- (i) has the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) greater than or equal to five and three-quarters (5 3/4) inches and the inside width between the trap's hinge posts (Figure 2) greater than or equal to five and three-quarters (5 3/4) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or the trap is completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5); ~~or and~~

- (ii) has an inside jaw spread perpendicular to the trap's baseplate greater than six and one-half ($6\frac{1}{2}$) inches and the inside width between the trap's hinge posts greater than six and one-half ($6\frac{1}{2}$) inches and set on land.

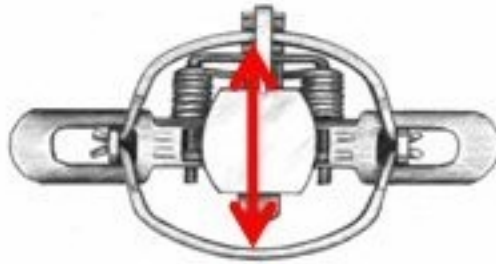


Figure 1
Widest inside jaw spread
perpendicular to the trap's
baseplate

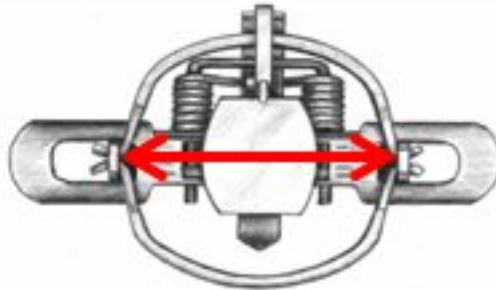


Figure 2
Inside distance between the
trap's hinge posts.

Offset Jaws



Figure 3

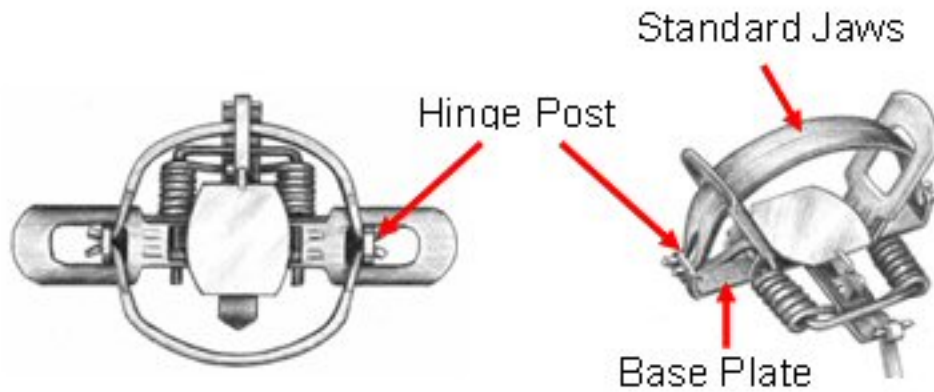


Figure 4

Figure 5



Figure 6

(C) A Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap that has the widest vertical inside jaw spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw spread measured at the vertical center of the trap's jaws is larger than eight (8) inches unless the trap is completely covered by water.

(D) As used in this subsection, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

(3) Snares with a circumference not greater than fifteen (15) inches unless:

(A) at least fifty percent (50%) of the loop of the snare is covered by water; or

(B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(4) Any other methods specified by the permit.

(i) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(j) The following restrictions apply to the treatment of an animal captured live under this permit:

(1) When on-site release is not the best viable option, the animal must be:

(A) released in the county of capture with prior consent from the landowner or landowner's agent;

(B) euthanized; or

(C) treated as otherwise authorized in the permit.

(2) An animal must be euthanized with the:

(A) safest;

(B) quickest; and

(C) most painless;

available method as recommended and approved by the division of fish and wildlife.

(3) Prior consent is required from the:

- (A) landowner; or
 - (B) landowner's agent;
- before an animal is released on any property.

(k) A permit expires on December 31 of the year the permit is issued. ~~unless otherwise specified on the permit.~~
The permittee must maintain a current record to include the following:

- (1) The name and address of the landowner assisted.
- (2) The date assistance was provided.
- (3) The number and species of animals affected.
- (4) The method of disposition.

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(l) A permittee must file an application by January 31 of each year in order to renew a permit. The annual report required under subsection (m) must accompany the renewal application.

(m) The permit holder shall provide an annual report to the division by January 31 of each year. The report shall list the following:

- (1) The:
 - (A) number; and
 - (B) species;of animals taken.
- (2) The county where the animal was captured.
- (3) The method of disposition.
- (4) The county where released (if applicable).

(n) A permit issued under this section may be suspended or revoked if the permittee does the following:

- (1) Fails to comply with any of the following:
 - (A) [IC 14-22](#).
 - (B) This article.
 - (C) A term of the permit.
- (2) Provides false information to obtain a permit under this section.
- (3) Uses or employs any:
 - (A) deception;
 - (B) false pretense; or
 - (C) false promise;

to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

(o) No permit shall be issued under this section:

- (1) for the control of a migratory bird, **except a mute swan**;
- (2) for a wild animal that is identified under this article as:
 - (A) an endangered; or
 - (B) a threatened;species; or
- (3) if granting the permit would violate a federal law.

(p) Except as authorized in subsection (q), the hide, carcass, or other part or portion of a wild animal taken under this section shall not be:

- (1) sold;
- (2) traded;
- (3) bartered; or
- (4) gifted, except if gifted with no compensation of any kind to:
 - (A) an accredited scientific or educational institution with a special purpose salvage permit issued under section 13.5 of this rule; or
 - (B) the department;

if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(q) The meat of a wild animal taken under this section may be retained or gifted to another person for personal consumption if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(r) A permit holder must obtain permission from the landowner or tenant prior to setting a trap, snare, or other device or capturing a wild animal on that landowner or tenant's property.

(s) A conservation officer may inspect the equipment, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(Natural Resources Commission; [312 IAC 9-10-11](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Apr 4, 2008, 2:56 p.m.: [20080430-IR-312070659FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Feb 28, 2014, 8:01 a.m.: [20140326-IR-312130024FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Sep 23, 2015, 9:57 a.m.: [20151021-IR-312140477FRA](#))

SECTION 4. [312 IAC 9-10-15](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-10-15](#) Fish importation permit

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 15. (a) Except as provided in subsection (e), a person must obtain a fish importation permit under this section before a person imports any live fish for sale or release.

(b) An application for a fish importation permit must be submitted by an applicant at least ten (10) days in advance of the proposed date of importation.

(c) An applicant must establish that a fish to be imported:

- (1) is free of any communicable disease;
- (2) will not become a nuisance; and
- (3) will not damage a native wild species or a domestic species of animal or plant.

(d) A person is exempted from this section who possesses fish other than those listed in [312 IAC 9-6-7](#) and who is either engaged in:

- (1) importing live fish exclusively for confinement and exhibit in a zoo or another public display; or
- (2) supplying live fish for use in the aquarium pet trade.

(e) Live fish of the following species, other than genetically altered fish, may be imported without obtaining a permit under this section:

- (1) Black crappie.
- (2) Blue catfish.
- (3) Bluegill.
- (4) Bluntnose minnow.
- ~~(5) Bowfin.~~
- ~~(6)~~ (5) Buffalo.
- ~~(7)~~ (6) Bullhead.
- ~~(8)~~ (7) Burbot.
- ~~(9)~~ (8) Carp.
- ~~(10)~~ (9) Channel catfish.
- ~~(11)~~ (10) Fathead minnow.
- ~~(12)~~ (11) Flathead catfish.
- ~~(13)~~ (12) Freshwater drum.
- ~~(14)~~ (13) Golden shiner.
- ~~(15)~~ (14) Goldfish.
- ~~(16)~~ (15) Green sunfish.

- ~~(17)~~ **(16)** Hybrid sunfish.
- ~~(18)~~ **(17)** Largemouth bass.
- ~~(19)~~ **(18)** Mosquitofish.
- ~~(20)~~ **(19)** Muskellunge.
- ~~(21)~~ **(20)** Northern pike.
- ~~(22)~~ **(21)** Paddlefish.
- ~~(23)~~ **(22)** Redear sunfish.
- ~~(24)~~ **(23)** Rock bass.
- ~~(25)~~ **(24)** Smallmouth bass.
- ~~(26)~~ **(25)** Striped bass.
- ~~(27)~~ **(26)** Sucker.
- ~~(28)~~ **(27)** Walleye.
- ~~(29)~~ **(28)** Warmouth.
- ~~(30)~~ **(29)** White bass.
- ~~(31)~~ **(30)** White catfish.
- ~~(32)~~ **(31)** White crappie.
- ~~(33)~~ **(32)** Yellow perch.

(Natural Resources Commission; [312 IAC 9-10-15](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2735; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Sep 23, 2015, 9:57 a.m.: [20151021-IR-312140477FRA](#))

SECTION 5. [312 IAC 9-10-24](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 9-10-24](#) Trapper education permit

Authority: [IC 14-22-2-6](#)

Affected: [IC 4-21.5](#); [IC 14-22](#)

Sec. 24. (a) This section governs a trapper education permit. A permit is required for a person to conduct a trapper education course and set a trap for a wild animal as part of the course.

(b) The permit is available only to a person who is at least one (1) of the following:

- (1)** A nonprofit organization.
- (2)** An authorized employee of the department.
- (3)** A person who is employed or sponsored by an educational institution or a nonprofit organization.

(c) An application for a permit under this section shall be completed on a departmental form and must provide the following:

- (1)** An outline of the educational program that includes an explanation of the legal methods of trapping and ethics.
- (2)** The location where the course will be held.
- (3)** The types of traps that will be set.
- (4)** The locations (addresses) of any traps set.
- (5)** The date of the course.

(d) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(e) Wild animals must be taken in accordance with [312 IAC 9-3-18](#) and either:

- (1)** released in the county of capture with prior consent from the landowner or landowner's agent;
- (2)** euthanized; or
- (3)** treated as otherwise authorized in the permit.

(f) A wild animal taken under this section must be euthanized with the:

- (1)** safest;
- (2)** quickest; and

**(3) most painless;
available method as recommended and approved by the division of fish and wildlife.**

(g) Wild animals taken under this section shall not be:

- (1) possessed for more than forty-eight (48) hours by instructors or students;**
- (2) sold;**
- (3) traded;**
- (4) bartered; or**
- (5) gifted, except as authorized in subsection (h).**

(h) A dead wild animal that is taken under this section may be gifted with no compensation of any kind to:

- (1) an accredited scientific institution or nonprofit organization with a special purpose salvage permit issued under section 13.5 of this rule; or**
- (2) the department;**

if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(Natural Resources Commission; [312 IAC 9-10-24](#); filed Sep 23, 2015, 9:57 a.m.: [20151021-IR-312140477FRA](#))

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